

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

Timothy Kuhn /
Defendant

Case Number: 08-30221

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

✓ (1) I find that:

- ✓ there is probable cause to believe that the defendant has committed an offense
- ✓ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- ❑ under 18 U.S.C. § 924(c).

✓ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ✓ (a) nature of the offense - Very large scale drug distribution conspiracy.
- ✓ (b) weight of the evidence - Evidence is strong. 80 kilograms (500,000 doses) of ecstasy seized.
- ✓ (c) history and characteristics of the defendant -
 - ❑ 1) physical and mental condition -
 - ✓ 2) employment, financial, family ties - Canadian citizen; minimal U.S. ties.
 - ✓ 3) criminal history and record of appearance - Minor, remote criminal history.
- ❑ (d) probation, parole or bond at time of the alleged offense -
- ✓ (e) danger to another person or community - The offense conduct poses very significant risk to the public.

Defendant is a Canadian national. He is 50 years old. He was arrested in possession of 500,000 dosage units of ecstasy. Upon conviction, he faces more than 25 years in prison. He has minimal U.S. ties. Pretrial Services recommends detention as a flight risk and a danger. I agree.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge

Date: May 13, 2008